



Order Filed on January 22, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

RAYMOND & RAYMOND
ATTORNEYS AT LAW
7 GLENWOOD AVENUE, 4TH FLOOR
EAST ORANGE, NEW JERSEY 07017
TELEPHONE (973) 675-5622
TELEFAX (408) 519-6711
Email: herbertraymond@gmail.com
HERBERT B. RAYMOND, ESQ.
JEFFREY M. RAYMOND, ESQ.
KEVIN DELYON, ESQ.
ATTORNEYS FOR THE DEBTOR(S)

In Re:

CARL A. POWELL, SR.
MICHELLE A. FINNEY-POWELL,
DEBTOR(S)

Case No.: 18-28018 VFP

Adv. No.:

Hearing Date: N/A

Judge: VINCENT F. PAPALIA

ORDER AUTHORIZING LOAN
MODIFICATION AND FOR OTHER RELIEF

The relief set forth on the following pages, two (2) through four (4) is
hereby ORDERED:

DATED: January 22, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtors: Carl A. Powell, Sr.

Michelle A. Finney-Powell, Debtor(s)

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Caption of order: Order Authorizing Loan Modification and for
Other Relief

1. That the Debtors be and is hereby authorized to enter into and consummate a loan modification with Select Portfolio Servicing, Inc. ('Select'), pursuant to the terms and conditions of the proposed loan modification agreement, entitled 'Lien Modification Agreement', filed as an Exhibit in support of this motion, relating to real property located at 715-717 Watchung Avenue, Plainfield, New Jersey 07060 and the loan modification be and is hereby approved.

2. That the Debtors and/or Select, be and are authorized to enter and consummate any transaction necessary and incident to the loan modification relating to this property, the sole exception being the transfer of the property or an interest in the property by the Debtor(s) to someone else.

a. Limited automatic stay relief is granted, to allow Select, to negotiate any such agreement with the Debtors or counsel, enter into and sign a loan modification agreement, and record any documents with the appropriate county recorders office without such action being considered a violation of the automatic stay.

3. That the Debtors and/or Select, are authorized to negotiate and prepare the terms or documents relating to a

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loan modification, or any necessary transaction incident to a
loan modification agreement, such as, but not limited to the
circumstances described above, with respect to this property and
any such negotiation and/or preparation of documents and/or
recording of documents, by the parties shall not considered to
be a violation of the automatic stay and are specifically
authorized by the Court.

4. That any communication by the parties relating to the
loan modification shall be considered to be negotiations,
pursuant to the Rules of Evidence, and shall not be used by
either party against the other in the context of any subsequent
litigation in this Court or any state court, federal court or
non-judicial forum.

5. That nothing in this order shall be construed as a
modification of the plan.

6. That the mortgage company and/or mortgage servicer may
not persuade the Debtor(s) to dismiss this case in order to
consummate a loan modification.

7. That because the mortgage is being modified and the
arrear, whether pre-petition, post-petition or because of a
post-petition delinquency caused by the reduced loss mitigation

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payment, are being addressed in the new mortgage, the pre-petition arrearage claim², which is claim number thirteen (13) on the claims register, filed by Select, or its predecessors, assignees or successor(s) in interest, shall not be paid and the Trustee shall not make any payments/disbursements on any pre-petition arrearage claim or any other delinquent sums due. If the modification is not consummated for any reason, Select, may, at any time during the pendency of this case, re-list the matter for further hearing, otherwise, this order shall be deemed final.

² And any other arrearage for a reason noted or otherwise.